

SPONSOR'S
VIEW
(cont'd):

Sharp said, "I don't like billboards either, but I also don't like unpainted houses. Would that make it right to require them to be torn down without compensation? Some billboards are worth upwards of \$250,000--for example, the flying red horse on top of the Mobil building in Dallas, which is nonconforming under the Dallas ordinance." With Houston Mayor Kathy Whitmire supporting the veto, Sharp said, "I suspect politics got the better hand over fairness."

NOTES:

The HSG analysis of HB 661, by Messer, the companion to SB 367, appeared in the May 4 Daily Floor Report.

Purchase of right-of-way
(SB 369, by Williams)

DIGEST:

Under current law, if the state wants to acquire right-of-way for a state or U.S. highway, the Texas Highway Department directs a city or county to purchase the land. Once the land is bought and the title transferred to the state, the state reimburses the city or county 90 percent of the purchase price. SB 369 would have permitted cities and counties to execute a contract of sale, on the state's behalf, for purchase of right-of-way. Upon receipt of the contract of sale, the state would have put up 100 percent of the purchase price and the city or county would have purchased the land. When title was transferred to the state, the city or county would pay the state its 10 percent share. The bill would have extended this practice to the purchase of right-of-way for farm-to-market roads.

GOVERNOR'S
REASONS
FOR VETO:

According to the Governor's veto proclamation, it would be a "dangerous delegation of authority" to permit a city or county to bind the state by contract. The Governor's office added that the Governor was concerned that the bill would have allowed a city or county to bind the state for 100 percent of the purchase price prior to the state's receipt of title, and that it would have required the state to front a city or county's 10-percent share of the purchase price. The bill would have violated Art. 3, Sec. 51 of the Texas Constitution, which prohibits the state from pledging its credit "for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever."

The Governor also objected to the inclusion of farm-to-market road right-of-way acquisition in the bill. Currently, counties and cities pay the full cost of right-of-way acquisition for farm-to-market roads. The Governor contended that local governments should continue to bear this cost.

SPONSOR'S
VIEW:

Sen. Williams had no comment on the veto.

Number of ballots furnished for elections
(SB 382, by Mauzy)

DIGEST:

SB 382 would have changed the requirements for furnishing election ballots in counties using electronic voting systems. For a party primary, election authorities would have had to provide at least 25 percent more ballots than the actual number of votes cast in the party's last primary. In general elections, ballots would have had to be printed for all registered voters.